

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA**



PRO SE LITIGANT GUIDE

OFFICE OF THE CLERK OF COURT

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INTRODUCTION

WHO THIS GUIDE IS INTENDED TO ASSIST: This Guide is designed to assist you if i.) you want to file a lawsuit in federal court or you have an active role, either as a plaintiff or defendant, in a case that you or someone else has filed already in federal court, and ii.) you have elected to proceed without assistance of a trained and licensed attorney. This Guide is **not** intended for prisoner litigation.

SOME BASIC DEFINITIONS: Plaintiffs and defendants in court cases generally are referred to as the “parties” or “litigants.” The plaintiff asserts a claim or right protected by law against the defendant; the defendant generally denies the claim or right, and the court determines whether the asserted claims or rights have merit. The great majority of litigants who appear in this court are represented by an attorney who has been trained in the law and is familiar with the applicable court rules and procedures. Parties or litigants who are not represented by licensed attorneys and who elect to represent themselves generally are referred to as *pro se* parties or *pro se* litigants. Likewise, plaintiffs or defendants who represent themselves generally are referred to as *pro se* plaintiffs or *pro se* defendants.

HOW THIS GUIDE WAS DESIGNED TO HELP YOU: This Guide will not answer all your questions about what you need to do to represent yourself effectively as a *pro se* litigant. The Guide outlines the basic steps that are required to properly file an **action**, or **lawsuit**, with this court. It also provides some general guidance on the next steps in the process of litigating the action once you have filed it with the Clerk of Court. However, **you are responsible for learning about and following the procedures that govern the court process.** Although the staff of the clerk’s office can provide *pro se* litigants with general information concerning court rules and procedures, they are forbidden as a matter of law from providing legal advice, from interpreting and applying court rules, or otherwise participating, directly or indirectly, in any action. In addition, the judges of this court cannot give you legal advice since they will ultimately be charged with ruling on motions submitted by the plaintiff and defendant and with trying the case with or without a jury.

A WORD OF ADVICE: Self-representation carries certain responsibilities and risks that *pro se* litigants should be aware of before they proceed. The court encourages all individuals who are considering *pro se* or self-representation to carefully review the risks associated with self-representation and to educate themselves regarding potential consequences.

CAUTION: Rule 11 of the Federal Rules of Civil Procedure prohibits filing lawsuits that are clearly frivolous or filed merely to harass an individual. If after reviewing your complaint, the court determines that you have filed a lawsuit for an improper or clearly unnecessary purpose, it may impose sanctions against you, including ordering you to pay a fine to the court or pay the legal fees of the person or persons against whom you filed the lawsuit. In certain types of cases, such as employment discrimination cases, if you lose, you may be required to pay the legal fees of the winning party. In all cases, if you lose, you may be required to pay some of the costs the winning party incurred in the course of the lawsuit.

SECTION I

IMPORTANT ISSUES TO CONSIDER BEFORE YOU DECIDE TO REPRESENT YOURSELF IN AN ACTION BEFORE THIS COURT

A. IS THIS THE APPROPRIATE COURT TO HEAR YOUR DISPUTE?

The United States District Court for the Southern District of Alabama is one of 94 trial courts in the federal court system. Federal courts can only hear limited kinds of cases. As is the case in all federal trial courts, this court is authorized only to hear disputes that fall into the following four categories:

1. Those that deal with a question involving the United States Constitution;
2. Those that involve questions of federal law (as opposed to state law);
3. Those that involve the United States of America as a party, whether plaintiff or defendant; and
4. Those that involve a dispute among residents of different states with an amount in controversy over \$75,000.

If your complaint does not fall under any of these categories, you should not file it in this court.

B. IS THERE AN ALTERNATIVE TO APPEARING PRO SE (REPRESENTING YOURSELF) THAT IS AFFORDABLE?

Most people who file and pursue litigation in the federal court employ a licensed attorney who practices law, has appeared in court, and is familiar with the rules of procedure that govern court processes. Some attorneys may be willing to accept your case on a contingency basis where the attorney would receive a fee based upon a percentage of your recovery if you win your case, and the attorney would get nothing if you do not prevail. There are provisions under some laws that require the other side to pay your attorney's fees should you win your case.

Most attorneys are careful when screening cases before agreeing to accept them in order to make sure potential clients have a viable chance for winning a case which would allow them to collect a fee. If an attorney rejects your case, reasons for such an action could be based on considerations such as:

- (1) There may be no merit to your case;
- (2) You may not be able to prove anyone liable for wrong done to you;

- (3) The wrong done to you may not be severe enough to warrant monetary damages;
- (4) You have no witnesses; or
- (5) Your witnesses are not credible.

If you would prefer to have an attorney represent you but are unable to retain one who will take your case on a contingency basis, or you simply cannot afford to pay high hourly fees, you may want to consider contacting the following services.

Alabama Legal Services - (251) 433-6560
Lawyer Referral Service - (251) 433-1032
Volunteer Lawyer Program - (251) 433-9973

If you are unable to find an attorney to represent you, you have the right to pursue your claim(s) in the court by appearing without representation or *pro se*, a Latin phrase meaning “for himself.” Bear in mind that as a *pro se* litigant, you are representing only yourself and presenting only your claims and defenses. Under the law, you cannot speak for another person, a company, or other entity such as a club or association that includes other individuals. **When you appear *pro se*, you must follow the same rules and procedures that licensed attorneys practicing in this court must follow. Generally, judges hold *pro se* litigants to the same standards of professional responsibility as trained attorneys.**

C. IF YOU PLAN TO REPRESENT YOURSELF, WHERE CAN YOU GO TO REVIEW APPLICABLE FEDERAL LAWS AND PROCEDURES AND THIS COURT’S LOCAL RULES OF PROCEDURE?

As a *pro se* litigant, you must be familiar with the Federal Rules of Civil Procedure and the Federal Rules of Evidence. These rules set forth the general procedural requirements for litigating cases in all federal courts. Federal laws can be found in the United States Code, abbreviated as U.S.C. The contents of each of these publications can be found on the Internet at the following website addresses:

<http://www.law.cornell.edu/rules/frcp/overview.htm>
<http://www4.law.cornell.edu/uscode/>
<http://www.law.cornell.edu/rules/fre/overview.html>

As a *pro se* litigant, you must also be familiar with our District Court’s local rules which apply specifically to court proceedings in our court. You can obtain a copy of the Local Rules at the District Court Clerk’s Office free of charge or you can access this publication on our court’s Internet website at:

<http://www.als.uscourts.gov>

Some public libraries have computers with Internet services that would be available to you for reviewing these publications in the event you do not otherwise have access to those resources.

SECTION II

PROCEEDING WITH YOUR CASE

A. HOW DO YOU ESTABLISH YOUR CASE IN OUR COURT?

Preparing Your Complaint: The **plaintiff** or person bringing the lawsuit to court files a **complaint**. The complaint outlines a problem or reason for the lawsuit, also known as a **cause of action**. When preparing your complaint, you should use 8½" x 11" (letter size) paper. The contents must include the following:

- (1) A short and plain statement of the grounds upon which the court's jurisdiction depends, unless the court already has jurisdiction and the claim needs no new grounds of jurisdiction to support it,
- (2) A short and plain statement of the claim showing that you are entitled to relief, and
- (3) A demand for judgment for the relief to which you deem yourself entitled.

The complaint (and any other type of pleadings that are filed such as motions, etc.) shall contain a caption setting forth the name of the court, the title of the action, the case number (if already assigned), and a designation such as "Complaint," etc. **Refer to Appendix A for the proper format.**

In setting forth your claim against defendants, you are only required to state exactly what happened by stating **FACTS**, not conclusions, and what relief you want. For example, a complaint setting forth conclusions might read:

"The Commissioner of the Social Security Administration denied me my right to Social Security benefits."

whereas, a complaint setting forth facts would read:

"The Commissioner of the Social Security Administration issued an unfavorable decision on July 27, 2000."

Your statement of claim should not contain legal arguments or citations of cases. However, these may be submitted separately from the complaint if desired.

You must clearly identify all defendants by name and address, and it is your responsibility to determine the identity of any and all defendants you wish to sue. Check to see that you have included all relevant names, addresses, and dates in your complaint. You may attach as an exhibit any written

instrument you have referred to in your complaint which you would like to make a part of the complaint. You must sign the complaint and state your address and phone number. If there is more than one plaintiff, each must sign the complaint as well as all future pleadings. Remember, if you are proceeding *pro se*, you can only represent yourself; you may **not** represent another person or party.

You can file your complaint by hand-delivering it or mailing it to the Clerk's Office. The District Court's mailing address and phone number is:

**U.S. District Court
113 St. Joseph St.
Mobile, AL 36619**

(251) 690-2371

Whether you deliver or mail your complaint to the court, you must submit: (i) an original complaint and a copy for each defendant, (ii) a completed **civil cover sheet** (blank forms can be obtained from the Clerk's Office), and (iii) the \$150.00 filing fee (unless you are proceeding *in forma pauperis* as discussed on Page 13 of this guide). Once received in the Clerk's Office, the complaint is given an action number and assigned to a district judge and a magistrate judge.

Service of Your Complaint: Each defendant or person named by the plaintiff must be notified of the lawsuit through a process that is specified by law. The responsibility for notifying each defendant rests with the plaintiff and is referred to as **service of process**. Detailed instructions for service of process are described in **Rule 4** of the **Fed.R.Civ.P.**; you must carefully review this rule to make sure you are familiar with these instructions. If these service of process requirements are not followed correctly, the case can be dismissed for failure to effect proper service.

As more fully described in Rule 4, service of process requirements can be satisfied in the following manner:

(1) Waiver of Service - Fed.R.Civ.P. 4(d) permits a defendant to **waive service of summons**. This means the defendant agrees to respond to your complaint without being served by means of summons. The Clerk's Office can provide you with a Notice of Lawsuit and Request for Waiver, and a Waiver of Summons form you can mail to the defendant along with the complaint. If the defendant completes and returns the waiver, you will avoid the cost of service by summons as described above. Fed.R.Civ.P. 4(d) describes this process in further detail. (If a defendant is the United States or one of its agencies, employees, officers, or corporations, service of summons cannot be waived.)

(2) Service of Summons and Complaint - Fed.R.Civ.P. 4(c)(2) states, "service may be effected by any person who is not a party and who is at least 18 years of age."

Using this method, you direct someone else to deliver or serve a copy of the complaint and summons on the defendant(s). The most common methods for effecting service are certified mail with a return receipt, or personal service. Private process servers will also do this for a fee.

The standard summons form can be obtained from the Clerk's Office and it must be completed by you. After you have completed the form, staff of the Clerk's Office officially **issue the summons** which means that an authorized court employee will sign the form and emboss it with the official seal of the court. Both the summons and the complaint are then served on the defendant. The person who serves the summons must record on the back of the summons form his or her name, the name of the person who was served, and the date and time of service. This section of the summons form is referred to as the **return of service**, and if not completed, service of process is not complete. Rule 4 requires confirmation that service has been completed. Such confirmation or **proof** that the documents have been served on the defendant(s) requires that the original summons form with the return of service completed be returned to the court and that a copy of the form be left with the defendant(s).

(3) Service by the Clerk's Office - If a judge approves your application for waiver of the requirement to pay the \$150 filing fee as described in Section IV of this Guide, and otherwise determines that your case should go forward, the judge may direct the Clerk's Office to serve the summons and complaint, or to send the notice of lawsuit and request for waiver.

After you file your complaint with the Clerk's Office, you have 120 days to serve a copy of it and the summons on the defendant(s). It is your responsibility to effect service; if you fail to do so within 120 days, your case may be dismissed (see Fed.R.Civ.P. 4(m)). It is also your responsibility to notify the court of your efforts to serve process if not effected within 45 days from the filing of the complaint (See Local Rule 4.1).

IMPORTANT NOTE: Although a judge may order that a defendant be served with process, it may be several weeks from the date of the order directing service before service is complete. When a judge orders that a defendant be served, typically the order will only require that a copy of the complaint and a waiver of service form be mailed to the defendant's last known address (as provided by the plaintiff). If a defendant refuses to waive service, even though a waiver of service form is sent to him/her, that defendant must then be served by personal service.

B. WHAT HAPPENS ONCE THE DEFENDANT(S) HAS BEEN SERVED?

Once the defendant has been served with a copy of the complaint, the defendant must file with the court an **answer** or some response within a specified number of days. Under the rules governing service of process, each defendant is required to provide a copy of his response to the plaintiff. In the Southern District of Alabama, once the first defendant files an answer or Fed.R.Civ.P.12(b) motion to dismiss, the court will typically issue a Preliminary Scheduling Order which gives the parties a specified time frame to meet and prepare a Fed.R.Civ.P. 26(f) report of the parties.

Referral to a United States Magistrate Judge: As set forth in the court's Local Rules, it is the practice of this court to refer certain matters to the full-time magistrate judges by standing order rather than individual orders of reference in each action. LR 72.2 sets out the types of matters the magistrate judges will handle without any additional orders of reference. A district judge to whom the case is assigned may also refer dispositive matters to a magistrate judge for entry of a report and recommendation. LR 72.2 sets out procedures for filing objections to such a recommendation. The parties may also consent to proceed to trial before a magistrate judge if all parties involved sign a

written consent, with approval of the district judge to whom the case is assigned.

Filing of Motions and Objections: Either party, the plaintiff or the defendant, may request that the court take specific action related to the case. To do so, the party prepares a formal request or what is referred to as a **motion**. The party then signs the motion, submits it or **files** it with the Clerk of Court and sends a copy to the opposing party. (See Appendix B - Certificate of Service Format) The opposing party may then file with the Clerk of Court an **objection** or **responsive pleading** to the motion. This objection sets forth the reasons why the court should deny rather than grant the motion.

Motion Review: The district or magistrate judge normally rules on motions by issuing a written order that either grants, denies, or partially grants and partially denies the relief sought in the motion. The court generally does not schedule hearings in order for the parties to argue the motion or objections.

Entry of Magistrate Judge's Report and Recommendation: Where a case has been referred to a magistrate judge and one of the parties files a dispositive motion, the magistrate judge is authorized to prepare a written **Report and Recommendation**, namely, a recommendation that the motion be either granted or denied and stating the reason(s) why. This report and recommendation is forwarded to the district judge assigned to the case and copies are sent to the parties. As a party, you have a certain number of days within which to file objections to the report and recommendation. All objections that are received within the specified time are forwarded to the district judge. The district judge reviews the report and recommendation and any objections that have been filed and will subsequently issue an order that adopts, rejects, or adopts in part and rejects in part the magistrate judge's report and recommendation. A **judgment** will also be entered by the district judge in the case. Such judgment is final and can be appealed to the United States Court of Appeals for the Eleventh Circuit located in Atlanta, Georgia.

C. WHAT COURT FEES AND COSTS ARE YOU REQUIRED TO PAY?

The fee for filing a complaint and opening a civil case in any U.S. District Court is \$150 as specified previously under the section entitled **Filing Your Complaint**. This may be paid by cash, money order, or personal check. Checks and money orders must be made payable to Clerk, U. S. District Court. If you are unable to pay the filing fee, you may apply for permission of the court to proceed without prepayment of fees, commonly referred to as *in forma pauperis*, which is Latin for "in the form of a pauper." Information on filing *in forma pauperis* is located in Section IV on page 13 of this guide.

If the court allows you to proceed *in forma pauperis*, you are not exempted from paying other costs associated with pursuing or litigating your case. If, for example, you need copies of original documents in your case file, the Clerk's Office is required to charge the standard rate of 50 cents per page. If you choose to make the copies yourself, you may use the court's copier at a rate of 25 cents per page. Other expenses you will incur include the costs of preparing the original and copies of the papers you file with the court, and mailing or hand-delivering a copy of each paper to the opposing party to satisfy the requirements of service. If your case goes to trial, you may be responsible for certain costs associated with bringing your witnesses to court.

D. WHAT IS THE PROCEDURE FOR SUBMITTING DOCUMENTS TO THE COURT?

As a matter of policy, the court only requires parties to submit for filing with the Clerk of Court an **original** of motions or pleadings. However, should you need a stamped “filed” copy of a pleading or motion for your records, submit an extra copy along with the original and a self-addressed stamped envelope for return mailing. The Clerk’s Office will stamp both the original and the copy, place the original in the court’s case file, and return the copy to you. You may file pleadings with the court in person or by mail.

Requests for court action must be submitted in the form of a motion, complaint or other pleading as authorized by statute or rule. Requests for court action may not be submitted in the form of a letter (see LR 5.1(d)).

Our offices are open to the public from 8:00 a.m. until 5:00 p.m., Monday through Friday, except on federal holidays. For ease of filing, the Clerk also maintains a 24 hour filing depository box located outside the courthouse. Directions for filing are provided on the box, enabling parties to stamp documents with the date and time and deposit them at any time, including weekends and holidays. When mailing pleadings to the court or using the drop box, you should include a stamped self-addressed envelope so the stamped “filed” copy can be returned to you.

Important Note: When you submit a pleading to the court, you must also mail or deliver a copy of the pleading to the defendant’s attorney, or, if the defendant has no attorney, to the defendant. As an attachment to your pleading, you must include a **certificate of service** that states the date that you mailed or delivered a copy of the pleading to the defendant. The format to be used for the certificate of service is attached to this guide as Appendix B.

E. HOW DO YOU OBTAIN INFORMATION ABOUT THE STATUS AND PROGRESS OF YOUR CASE?

The Clerk’s Office maintains an automated record or **docket** for every case. This docket is a chronological summary of all significant events in the history of the case. For example, each time you file a pleading or appear for a hearing, an entry summarizing the event is added to the case docket. You may review the docket on the public access terminal located in the Clerk’s Office. As an alternative, if you have a personal computer and modem with communications software, you may access our court’s automated PACER system which allows you to review your case docket directly from your PC. However, in order to use this system you must call the PACER Service Center at 1-800-676-6856 and obtain a login and password. You may also visit their website at <http://www.pacer.psc.uscourts.gov/>. Once you gain access, you will be billed at a rate of 60 cents per minute for dial-up service or on the Internet in a web-based format for an access fee of 7 cents per page. If you wish to have a paper copy of your docket, the staff of the Clerk’s Office will provide one to you at a cost of 50 cents per page. The Clerk’s Office staff can also provide basic docket information to you over the telephone.

F. IS IT POSSIBLE FOR YOU TO SPEAK DIRECTLY TO A JUDGE OR MEMBER OF HIS PERSONAL STAFF ABOUT YOUR CASE?

You are prohibited from all private or *ex parte* communication with the judge to whom your case is assigned. *Ex parte* communication occurs when one of the parties to a lawsuit, or when that party's attorney, exchanges information with the assigned judge without the opposing party being present or without the knowledge and consent of the opposing party. Because of this prohibition, a judge will refuse, with very few exceptions, to speak or otherwise communicate *ex parte* with any party, or that party's attorney, to a case that is assigned to him. Any communication between the assigned judge and a litigant must be in writing, and a copy of the communication must be sent either to the opposing party or that party's attorney. For example, a party appearing *pro se* must send to the opposing party a copy of any motion sent to the court. Moreover, the motion must indicate that a copy has been sent to the opposing party. Remember, any request for action of the court must be in the form of a motion and cannot be submitted by letter.

G. IF YOU WISH TO APPEAL THE COURTS DECISION ON ANY ORDER ENTERED IN YOUR CASE, WHAT STEPS SHOULD YOU TAKE TO DO SO?

There may be times during the pendency of your case in which the judge issues an order with which you disagree and which you may think an appellate court should review immediately. You should be aware, however, that most orders issued while a case is still ongoing cannot be appealed immediately, and you will have to wait until a final judgment has been entered in your case before the order(s) can be considered by an appellate court. The Federal Rules of Appellate Procedure explain when an order is appealable, and you must familiarize yourself with these rules before filing a notice of appeal. Filing a notice of appeal prematurely will delay final resolution of your case and may add unnecessary expense to your case.

If you file a notice of appeal, you will be required to pay a filing fee of \$105 with the District Court unless you are permitted to proceed *in forma pauperis*. If you wish to proceed *in forma pauperis* for purposes of the appeal, then at the time of filing your notice of appeal, you must also file an application to proceed *in forma pauperis* on appeal.

Once the appellate court is determined to have jurisdiction over the appeal, it will direct the District Court Clerk's Office to transmit the record from the District Court. If you are permitted to proceed *in forma pauperis* on appeal, you may still be required to pay for certain costs, such as the cost for transcribing any hearings or other proceedings that may have occurred before the judge.

SECTION III

EMPLOYMENT DISCRIMINATION CASES

A very common action filed by *pro se* litigants in federal court is alleged employment discrimination. Prior to filing an employment discrimination complaint, the plaintiff is required to follow specific administrative procedures. **NOTE: This is not a complete statement of the law on the administrative procedures to follow in an employment discrimination case. The procedures are complicated, and it is the *pro se* litigant's responsibility to make sure that all procedures are followed correctly and within the applicable time limit. If the requirements are not followed, your case may be dismissed.**

If you wish to file an employment discrimination case in this court, you must first file your charges with the Equal Employment Opportunity Commission (EEOC) where your case will be reviewed. Barring complications, the EEOC will issue you a **Notice of Right to Sue** indicating that (i) the administrative process has been completed, and (ii) no further action will be taken on behalf of the EEOC. Once this notice has been issued, you have a limited time period within which to file your lawsuit; failure to file a complaint within that time period will result in your case being dismissed by the court. A Notice of Right to Sue is not issued where the charges allege employment discrimination based on age; however, not having such a notice will not prevent you from filing an employment discrimination complaint based on this premise.

To assist a party appearing *pro se* in filing an employment discrimination complaint, the Office of the Clerk has established a complaint form to be used specifically for this purpose. This form will be provided to you upon request. When completing the form, you must ensure the information you enter is legible and accurate to the best of your knowledge. When filing your complaint with the Clerk's Office, you must present the Right to Sue Notice which will be included as part of your case file.

SECTION IV

APPLICATION TO PROCEED *IN FORMA PAUPERIS*

As noted earlier in this guide, filing an action in this court requires the plaintiff to pay a \$150 filing fee at the time the new case is filed. If you are unable to pay the fee, you may apply to have payment of the fee waived. Bear in mind that you can apply for waiver of the fee only after your action is filed. The Clerk's Office will accept your case without payment if, at the time you file it, you also apply for waiver of the fee. If the judge subsequently denies your waiver application, you will be required to pay the fee; if you do not pay it within a specified time period, your case will be dismissed.

The application process requires that you complete and submit a **Motion to Proceed Without Prepayment of Fees** in order to be allowed to proceed *in forma pauperis*. The form is included in this Guide, and brief instructions for completing it are as follows:

(1) At the top of the motion, you must note the name of the case or case **caption**. The case name consists of your name as plaintiff above the **v.** and the name of the defendant(s) below the **v.** Staff in the Clerk's Office will enter the case number on the motion at the time your case is filed.

(2) **You must answer all questions truthfully and completely.** If you own real estate or automobiles that have outstanding mortgages or loans, you must be very specific about your debt balance so the magistrate judge who reviews the application has accurate information as to the property's value. You must inform the court how you provide for life's basic necessities if it is not stated fully in your answers to the questions asked. You must complete every blank on the form; if your response is "not applicable" or "zero", mark the blank as "n/a" or "0". Finally, you must sign the statement under penalty of perjury.

The completed motion form must be delivered to the Clerk's Office. It will then be submitted along with your complaint to a magistrate judge for review. If the magistrate judge grants the application, it will be returned with the case file to the Clerk's Office for subsequent processing. You may be required to pay the fee at the conclusion of the case in the event the court determines that you then have sufficient funds. The court may direct you by order to pay the full amount immediately, pay a portion of the filing fee, or pay the fee in installments.

If you are allowed to proceed *in forma pauperis*, before directing the Clerk's Office to serve the complaint and summons, the magistrate judge will have reviewed your complaint to determine if all, or any, of your claims should be allowed to go forward. However, if your complaint or a claim is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief, the magistrate judge will enter a report and recommendation that your complaint or claim be dismissed.

SECTION V

APPOINTMENT OF COUNSEL

Pro se litigants may ask the court to appoint an attorney for them in a civil case. Appointment is discretionary and counsel is only appointed in a few select cases where representation by an attorney seems particularly appropriate or necessary. *Pro se* litigants have no guaranteed right to be represented by court-appointed counsel, and the Court has no funds to pay appointed counsel. If you would like to request that the court appoint counsel to represent you in your lawsuit, you must file along with your complaint a Motion for Appointment of Counsel.

SECTION VI

REQUIREMENT TO DILIGENTLY PROSECUTE YOUR CASE

It is important that you fully understand your obligation to prosecute your case once it is filed.

(1) You are required to diligently prosecute your lawsuit. Unless and until you hire an attorney to represent you, it is your responsibility to do everything necessary to prepare your case for trial. This includes, but is not limited to, responding to discovery requests and motions. It is also your responsibility to try your case in court.

(2) Do not expect any correspondence or orders from the court instructing you regarding procedures for prosecuting your lawsuit. If you fail to follow established procedures, your case will be subject to dismissal for failure to prosecute.

(3) You are required to serve the attorney representing the defendant with copies of all pleadings and motions filed with the court. Likewise, counsel for the defendant is required to serve you with copies of all pleadings and motions filed on behalf of the defendant.

(4) Sometimes, plaintiffs will attach a certificate of service indicating that the Clerk of Court has been served with copies of pleadings or motions. This is not appropriate, and the certificate will be disregarded because it does not satisfy service requirements. It is your responsibility to serve the defendant(s), not the Clerk's Office.

(5) You must keep the court and defendant(s) advised of any change in your address or telephone number. The failure to do so immediately may result in the imposition of sanctions, which may include the dismissal of your case.

APPENDIX A
COMPLAINT FORMAT

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
_____ **DIVISION**

<u>(Name of Plaintiff)</u> _____	:		
Plaintiff		:	
		:	
vs.		:	Civil Action No. _____
		:	
		:	
<u>(Name of Defendant(s))</u> _____	:		
Defendant		:	
		:	

COMPLAINT

(Double space text of complaint)

1.

(Grounds for jurisdiction)

2.

(Show plaintiff's name(s) and residence or address)

3.

(Show defendant(s) name(s) and address(es))

APPENDIX A (Cont'd)
COMPLAINT FORMAT

4.

(State briefly your legal claim or your reason for filing suit. Include the statute under which the suit is filed.)

5.

(Give a brief, concise statement of the specific facts involved in your case)

6.

(State the relief you are requesting.)

(Signature and date), pro se

(Address)

(Phone Number)

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA**

Plaintiff(s)/Petitioner(s)

vs.

CIVIL ACTION NO. _____
(To be supplied by Clerk of Court)

Defendant(s)/Respondent(s)

MOTION TO PROCEED WITHOUT PREPAYMENT OF FEES

I, _____, a United States citizen, make this Motion to Proceed Without Prepayment of Fees pursuant to Title 28 U.S.C. § 1915 in order to proceed in forma pauperis in this action. I am unable to make prepayment of fees or to give security therefor, and it is my belief that I am entitled to redress. I have not divested myself of any property, monies or any items of value for the purpose of avoiding payment of said fees.

I. BRIEF STATEMENT AS TO THE NATURE OF THE ACTION: _____

II. RESIDENCE:

Your address: _____
(Street)

(City) (State) (Zip Code)

III. MARITAL STATUS:

1. Single _____ Married _____ Separated _____ Divorced _____

2. If married, spouse's full name: _____

IV. DEPENDENTS:

1. Number: _____

2. Relationship to dependent(s): _____

3. How much money do you contribute toward your dependents' support on a monthly basis? \$ _____

V. EMPLOYMENT:

1. Name of employer: _____
 - a. Address of employer: _____
(Street)

(City) (State) (Zip Code)
 - b. How long have you been employed by present employer?
Years: _____ Months: _____
 - c. Income: Monthly \$ _____ or Weekly \$ _____
 - d. What is your job title? _____
2. If unemployed, date of last employment: _____
Amount of salary and wages received per month in last employment: \$ _____
3. Is spouse employed? _____ If so, name of employer: _____

 - a. Income: Monthly \$ _____ or Weekly \$ _____
 - b. What is spouse's job title? _____
4. Are you and/or your spouse receiving welfare aid? _____
If so, amount: Monthly \$ _____ or Weekly \$ _____

VI. FINANCIAL STATUS

1. Owner of real property (excluding ordinary household furnishings and clothing):
 - a. Description: _____
 - b. Full Address: _____
 - c. In whose name: _____
 - d. Estimated value ----- \$ _____
 - e. Total amount owed ----- \$ _____
Owed to: _____ \$ _____
_____ \$ _____
 - f. Annual income from property ----- \$. _____
2. Other assets/property, such as automobiles, boats, motor homes, court judgments, etc. (If more than two, list information on back):
 - a.

	<u>Asset (1)</u>	<u>Asset (2)</u>
Make & Model:	_____	_____
In whose name registered?	_____	_____
Present Value of Asset:	_____	_____
Amount owed:	_____	_____
Owed to:	_____	_____
 - b. Total cash in banks, savings and loan associations, prisoner accounts, financial institutions, other repositories, or anywhere else \$ _____
 - c. List monies received by you during the last twelve (12) months, or held for you by banks, savings and loan associations, prisoner accounts, other financial

institutions, or other sources as indicated below:

Business, profession or other forms of self-employment -	\$ _____
Rent payments, interest or dividends - - - - -	\$ _____
Pensions, annuities or life insurance payments - - - - -	\$ _____
Gifts or inheritances - - - - -	\$ _____
Stocks, bonds or notes - - - - -	\$ _____
Tax refunds, Veteran benefits or social security benefits	\$ _____
Any other sources - - - - -	\$ _____

3. Obligations:

a. Monthly rental on house or apartment - - - - -	\$ _____
b. Monthly mortgage payments on house - - - - -	\$ _____

4. Other information pertinent to your financial debts and obligations:

_____ (Creditor)	_____ (Total debt)	_____ (Monthly payment)
_____ (Creditor)	_____ (Total debt)	_____ (Monthly payment)
_____ (Creditor)	_____ (Total debt)	_____ (Monthly payment)

5. If you have indicated that you have minimal or no assets or income, please explain how you provide for your basic living needs such as food, clothing and shelter. (e.g. food stamps, family assistance or charitable contributions.)

Other (Explain): _____

VII. ALL PLAINTIFFS/PETITIONERS MUST READ AND SIGN:

I UNDERSTAND that any false statement(s) of a material fact contained herein may serve as the basis of prosecution and conviction for perjury or making false statements. FURTHER, I CERTIFY that all questions contained herein have been answered and are true and correct to the best of my knowledge and belief.

Date

Signature of Plaintiff/Petitioner

Address

Phone Number